

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78360517
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Allergy capsules; allergy medications; analgesic balm; analgesic preparations; analgesics; antibacterial alcohol skin sanitizer gel; antibacterial hand wash; antibiotics; antidepressants; antiflatulants; antiparasitics; antiseptics; anti-inflammatories; athlete's foot lotions; calcium supplements; cholesterol reducers; cough drops; cough expectorants; cough lozenges; cough syrups; cough treatment preparations; decongestant nasal sprays; decongestants; ear drops; eye drops; eye washes; diabetic food; food supplements, namely, anti-oxidants; gargles; gastro-intestinal treatment preparations; ginseng for medical use; hair growth stimulants; herbal mud packs for therapeutic purposes; herbal product, namely, aroma therapy packs containing herbs used for aroma therapy; human growth hormone; medicated shampoo; nasal spray preparations; nausea treatment preparations; nose drops; nutritionally fortified water; nutritionally fortified beverages; sleeping pills and tablets; soy protein for uses as a nutritional ingredient in various powdered and ready-to-drink beverages; throat lozenges; topical analgesics	
FIRST USE ANYWHERE DATE	At least as early as 02/29/2004
FIRST USE IN COMMERCE DATE	At least as early as 05/31/2005
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Allergy capsules; allergy medications; analgesic balm; analgesic preparations; analgesics; antibacterial alcohol skin sanitizer gel; antibacterial hand wash; antibiotics; antidepressants; antiflatulants; antiparasitics; antiseptics; anti-inflammatories; athlete's foot lotions; calcium supplements; cholesterol reducers; cough drops; cough expectorants; cough lozenges; cough syrups; cough treatment preparations; decongestant nasal sprays; decongestants; ear drops; eye drops; eye washes; diabetic food; food supplements, namely, anti-oxidants; gargles; gastro-intestinal treatment preparations; ginseng for medical use; hair growth stimulants; herbal mud packs for therapeutic purposes; herbal product, namely, aroma therapy packs containing herbs used for aroma therapy; human growth hormone; medicated	

shampoo; nasal spray preparations; nausea treatment preparations; nose drops; nutritionally fortified water; nutritionally fortified beverages; sleeping pills and tablets; soy protein for uses as a nutritional ingredient in various powdered and ready-to-drink beverages; throat lozenges; topical analgesics

FIRST USE ANYWHERE DATE	At least as early as 02/29/2004
FIRST USE IN COMMERCE DATE	At least as early as 05/31/2005
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\783\605\78360517\xml8\ RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\783\605\78360517\xml8\ RFR0003.JPG
SPECIMEN DESCRIPTION	photographs of the goods displaying the mark directly on the goods
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/DanielMCislo/
SIGNATORY'S NAME	Daniel M. Cislo
SIGNATORY'S POSITION	Attorney of Record, Reg. No. 32,973, California Bar Member
SIGNATORY'S PHONE NUMBER	310-451-0647
DATE SIGNED	03/04/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Mar 04 12:02:48 EST 2014
TEAS STAMP	USPTO/RFR-192.168.1.167-2 0140304120248087506-78360 517-500f83a46ad82482c2f2e fa39625f8072492428fb1f5a8 a1954e323c5c4935-N/A-N/A-

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **78360517** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Allergy capsules; allergy medications; analgesic balm; analgesic preparations; analgesics; antibacterial alcohol skin sanitizer gel; antibacterial hand wash; antibiotics; antidepressants; antifatulants; antiparasitics; antiseptics; anti-inflammatories; athlete's foot lotions; calcium supplements; cholesterol reducers; cough drops; cough expectorants; cough lozenges; cough syrups; cough treatment preparations; decongestant nasal sprays; decongestants; ear drops; eye drops; eye washes; diabetic food; food supplements, namely, anti-oxidants; gargles; gastro-intestinal treatment preparations; ginseng for medical use; hair growth stimulants; herbal mud packs for therapeutic purposes; herbal product, namely, aroma therapy packs containing herbs used for aroma therapy; human growth hormone; medicated shampoo; nasal spray preparations; nausea treatment preparations; nose drops; nutritionally fortified water; nutritionally fortified beverages; sleeping pills and tablets; soy protein for uses as a nutritional ingredient in various powdered and ready-to-drink beverages; throat lozenges; topical analgesics

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 005, the mark was first used at least as early as 02/29/2004 and first used in commerce at least as early as 05/31/2005.

Proposed: Class 005 for Allergy capsules; allergy medications; analgesic balm; analgesic preparations; analgesics; antibacterial alcohol skin sanitizer gel; antibacterial hand wash; antibiotics; antidepressants; antifatulants; antiparasitics; antiseptics; anti-inflammatories; athlete's foot lotions; calcium supplements; cholesterol reducers; cough drops; cough expectorants; cough lozenges; cough syrups; cough treatment preparations; decongestant nasal sprays; decongestants; ear drops; eye drops; eye washes; diabetic food; food supplements, namely, anti-oxidants; gargles; gastro-intestinal treatment preparations; ginseng for medical use; hair growth stimulants; herbal mud packs for therapeutic purposes; herbal product, namely, aroma therapy packs containing herbs used for aroma therapy; human growth hormone; medicated shampoo; nasal spray preparations; nausea treatment preparations; nose drops; nutritionally fortified water; nutritionally fortified beverages; sleeping pills and tablets; soy protein for uses as a nutritional ingredient in various powdered and ready-to-drink beverages; throat lozenges; topical analgesics

Deleted Filing Basis: 1(b)

In International Class 005, the mark was first used at least as early as 02/29/2004. and first used in commerce at least as early as 05/31/2005.

Applicant hereby submits one(or more) specimen(s) for Class 005. The specimen(s) submitted consists of photographs of the goods displaying the mark directly on the goods.

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"***[for an application based on Section 1(b) Intent-to-Use]*.

[Specimen File1](#)

[Specimen File2](#)

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /DanielMCislo/ Date: 03/04/2014

Signatory's Name: Daniel M. Cislo

Signatory's Position: Attorney of Record, Reg. No. 32,973, California Bar Member

Signatory's Phone Number: 310-451-0647

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 78360517

Internet Transmission Date: Tue Mar 04 12:02:48 EST 2014

TEAS Stamp: USPTO/RFR-192.168.1.167-2014030412024808

7506-78360517-500f83a46ad82482c2f2efa396

25f8072492428fb1f5a8a1954e323c5c4935-N/A

-N/A-20140304120128092348

ACTIVACIÓN | ACTIVATION



Thermo Fit [60 caps.]

- Combinación de hierbas termogénicas y hierbas que ayudan a eliminar el exceso de líquido en el cuerpo.
 - Activa el metabolismo de las grasas.
 - Excelente en el control de peso.
 - Controla el apetito y el deseo por los azúcares.
- Combination of Thermogenic herbs and other herbs that help eliminate the excess of body liquids.
 - Activates metabolism of fat.
 - Excellent for controlling weight.
 - Helps control appetite and sugar craving.



Fiber Fit [60 caps.]

- Combinación de fibras especiales para atrapar grasa y colesterol en los intestinos.
 - Activa la eliminación de las grasas.
 - Excelente en el control de peso.
- Combination of special fibers to trap fat and cholesterol in the intestines.
 - Activates elimination of fat.
 - Excellent for controlling weight.



Essiac-T [32 fl. oz.]

- Combinación de extractos de plantas que purifican los órganos del cuerpo.
 - Ayuda en el control del dolor y la inflamación.
 - Activa y fortalece el sistema inmunológico.
- Combination of plant extracts that purify the body's organs.
- Controls pain and inflammation.
 - Activates and strengthens the Immune System.



Tamanú Oil [30 ml]

- Aceite natural que contiene todos los ácidos grasos esenciales para la piel, con efecto antiinflamatorio y analgésico.
- Natural oil that contains all of the essential fatty acids for the skin with anti-inflammatory and analgesic effects.
- Protege la piel de la luz solar, humecta y suaviza.
 - Activa la cicatrización y la regeneración de la piel.
- Protects skin from the sun's rays, it hydrates and moisturizes.
 - Activates healing and skin regeneration.

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